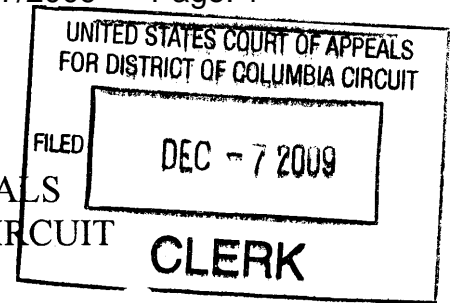


UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT

DEC - 7 2009 UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT  
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MEDICAL WASTE INSTITUTE AND  
ENERGY RECOVERY COUNCIL,

Petitioners,

v.

ENVIRONMENTAL PROTECTION  
AGENCY,

Respondent.

No. 09-1297

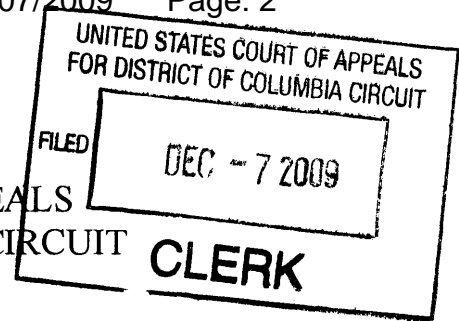
**PETITION FOR REVIEW**

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), the Medical Waste Institute and the Energy Recovery Council hereby petition the Court for review of a final agency action of the United States Environmental Protection Agency entitled “Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators; Final Rule,” published in the Federal Register at 74 Fed. Reg. 51,368 on October 6, 2009.

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\_\_\_\_\_

No. 09-1297

**RULE 26.1 CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Petitioners Medical Waste Institute and Energy Recovery Council make the following disclosures:

The Medical Waste Institute is a policy-making group that consists of members of the National Solid Wastes Management Association and the Waste Equipment Technology Association. Its members transport, treat, dispose of, and otherwise manage hospital, medical, infectious, pathological, and chemotherapeutic wastes. It is trade association that represents the interests of its members in administrative proceedings and litigation that may affect the medical waste industry.

The Medical Waste Institute has no parent company and has not issued shares or debt securities to the public. No publicly-held company has a 10% or greater ownership interest in the Medical Waste Institute.

Energy Recovery Council (formerly Integrated Waste Services Association) is a non-profit trade association for companies that use waste-to-energy technology. The waste-to-energy industry safely disposes of municipal solid waste and at the same time generates renewable electricity using modern combustion technology equipped with state-of-the-art pollution control systems. Its members own and operate 69 of the 87 modern waste-to-energy facilities in the United States and include several dozen business organizations in the municipal waste management and energy fields, and 26 municipalities that are served by waste-to-energy plants. The Energy Recovery Council's purpose is to promote the waste-to-energy industry, as well as the interests of its members in administrative proceedings and litigation that may affect the industry.

The Energy Recovery Council has no parent company and has not issued shares or debt securities to the public. No publicly-held company has a 10% or greater ownership interest in the Energy Recovery Council.

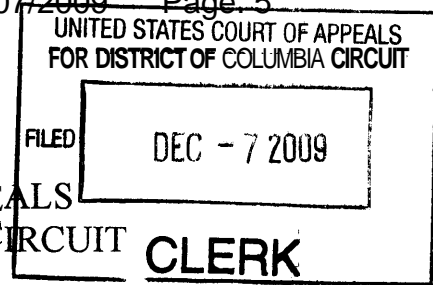
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael B. Wigmore", written over a horizontal line.

Michael B. Wigmore  
Sandra P. Franco  
Bingham McCutchen LLP  
2020 K Street, N.W.  
Washington, D.C. 20006  
(202) 373-6000  
(202) 373-6001 (facsimile)

*Counsel for the Medical Waste Institute and  
the Energy Recovery Council*

Dated: December 7, 2009



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**CERTIFICATE OF SERVICE**

Pursuant to Rule 25(d) of the Federal Rules of Appellate Procedure, I hereby certify that on the 7th day of December, 2009, the foregoing Petition for Review and Rule 26.1 Corporate Disclosure Statement were served upon the following parties, by mailing a copy thereof, first class, postage prepaid:

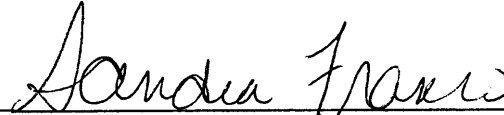
The Honorable Eric H. Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

John C. Cruden  
Deputy Assistant Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

Letitia Grishaw  
Chief  
Environmental Defense Section  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building [MC: 1101A]  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Scott Fulton  
General Counsel  
U.S. Environmental Protection Agency  
Ariel Rios Building [MC: 2310A]  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

A handwritten signature in cursive script, reading "Sandra Franco", written over a horizontal line.

Sandra P. Franco